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AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings include changes to Fig. 10, and replace the original sheets of drawings. In Fig. 10, the previously omitted reference number '11' has been added.

A new figure, Fig. 7A, has been added to illustrate the components of Fig. 7.

Attachment: Replacement Sheets for Figs. 1 through 10.

New sheet for Fig. 7A.

Marked up copies.

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REMARKS

Claims 1-19, and 22-44 are currently pending. Claims 20 and 21 have been canceled without prejudice. Claims 1, 2, 9, 16, 19, 23, 28, and 35 have been amended and are supported by paragraphs 0024, 0028, 0029, 0037, 0039, and 0046, and Figures 1-10. New claims 39-44 are supported by Figure 3, paragraph 0029, and elsewhere in the application as filed. It is respectfully submitted that no new matter has been added.

The Patent Office has objected to the drawings in items 2 through 15. Items 2 through 15 are addressed below.

Item 2. Applicant has labeled the drawing figures in an amendment to the drawings. It is respectfully requested that the Patent Office remove its objections to the drawings regarding labeling.

Item 3. A replacement drawing figure 10 is being submitted which shows reference number '11' as a network. It is respectfully submitted that no new matter has been added.

Item 4. A new drawing figure 7A is being submitted to illustrate reference numbers '71' to '74' and '78' and '79'. It is respectfully submitted that no new matter has been added.

The Patent Office has recited 37 C.F.R. § 1.84 in objecting to items 5-14.
37 C.F.R. § 1.84 Standards for drawings.

(p) Numbers, letters, and reference characters.

...

(4) The same part of an invention appearing in more than one view of the drawing must always be designated by the same reference character, and the same reference character must never be used to designate different parts.

Item 5. Reference number '13' refers to a database in a movie theater and reference number '73' refers to a database in a refrigerator/ freezer. The movie theater embodiment is an embodiment different from that of the refrigerator/ freezer. The two embodiments do not represent two views of the same drawing, so 37 C.F.R. § 1.84 would not apply to restrict the reference numbers that label similar or identical parts of the different embodiments to the same reference number.

Item 6. Reference number '14' refers to a processing unit in a movie theater embodiment. Reference number '110' refers to a processing unit in a wireless device. The two embodiments

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do not represent two views of the same drawing, so 37 C.F.R. § 1.84 would not apply to restrict the reference numbers that label similar or identical parts of the different embodiments to the same reference number.

Item 7. Applicant asserts that there is no indefiniteness or improper usage because reference numbers '16' and '112' represent antennas from two different embodiments and not from two views of the same embodiment.

Item 8. Applicant asserts that there is no indefiniteness or improper usage because reference number '22' refers to a mobile telephone in a movie theater embodiment; reference number '24' refers to a PDA in a movie theater embodiment; reference number '90' refers to a PDA in a kiosk embodiment; and '100' refers to an exemplary wireless device.

Item 9. Applicant asserts that there is no indefiniteness or improper usage because reference number '24' refers to a PDA in a movie theater embodiment and reference number '90' refers to a PDA in a kiosk environment.

Items 10 and 11. It is believed that the Patent Office is objecting to the recitation in paragraph 0029 of "each device 22, 24." Applicant asserts that there is no indefiniteness or improper usage because although reference number '22' refers to mobiles telephones, as disclosed in paragraph 0027, and reference number '24' refers to PDAs, as disclosed in paragraph 0027, they are devices 22, 24 in the aggregate.

Item 12. Paragraph 0046 has been amended. It is respectfully submitted that no new matter has been added.

Item 13. Applicant asserts that there is no indefiniteness or improper usage because reference number '92' refers to user controls at a kiosk and '102' refers to user controls of a PDA.

Item 14. Applicant asserts that there is no indefiniteness or improper usage because reference number '34' refers to a port of a movie theater, '56' refers to a port in a grocery store, '76' refers to a port in an appliance, '86' refers to a port in a kiosk, and '91' refers to a port in a PDA.

Item 15. A replacement sheet for amended Fig. 10 and a new sheet for new Fig. 7A are submitted. It is respectfully submitted that no new matter has been added.

The Patent Office objected to the specification in items 16 and 17. In response, Applicant

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has amended paragraphs 0016 and 0017 in accordance with the Patent Office's suggestions. It is respectfully submitted that no new matter has been added.

The Patent Office object to claims 14 and 15. Claims 14 and 15 have been amended in accordance with the Patent Office's recommendations. It is respectfully submitted that no new matter has been added.

The Patent Office rejected claims 1-9, 14, 15, 23, 28-30, and 35-38 under 35 U.S.C. 102(b) as being anticipated by Gerba, U.S. Patent No. 5,931,908.

The Patent Office rejected claims 16, 18, 19, 21, and 22 under 35 U.S.C. 102(e) as being anticipated by Anderson, U.S. Published Patent Application No. 2002/0091706.

The Patent Office rejected claims 10-13, 24-27, and 31-34 under 35 U.S.C. 103(a) as being unpatentable over Gerba.

The Patent Office rejected claim 17 under 35 U.S.C. 103(a) as being unpatentable over Anderson.

The Patent Office rejected claim 20 under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Anderson.

For a claim to be anticipated, each and every non-inherent limitation must be disclosed in a single reference. MPEP 2131.

Claim 1 recites as follows:

A method for providing a wireless device with context sensitive information related to a theme, the method comprising: synchronizing a network with the theme, the network comprising a source of context sensitive information and at least one port for receiving a request for context sensitive information from the wireless device and for distributing context sensitive information; requesting the context sensitive information by contacting the at least one port of the network with a communications port of the wireless device; and, providing to the wireless device through the at least one port a signal comprising the requested context sensitive information, **where at least requesting occurs only when the wireless device is in very close proximity or in physical contact with the at least one port.**

Broadly interpreted, the examiner appears to read the set-top box as the wireless device and the head end as the network port in Gerba. Applicant's invention, as illustrated by the back of the seat in a movie theater, grocery shelves, and kiosk embodiments, appears to involve a close

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proximity device.

Gerba discloses a set-top box 34 that may be wirelessly coupled to a head end 2. Gerba discloses a remote control device (e.g., column 8, lines 45-46) that communicates with a set-top box 34 (column 8, line 53). A remote control device does not correspond to at least **requesting occurs only when the wireless device is in very close proximity or in physical contact with the at least one port** as a user may communicate with a set-top box across a room and a head end may be located many meters from a set top box. Thus, Gerba does not anticipate claims 1-8.

Claim 9 recites as follows:

An apparatus for providing a wireless device with context sensitive information related to a theme, the apparatus comprising: a device for synchronizing a network with the theme, the network comprising a source of context sensitive information and at least one port for receiving a request for context sensitive information from the wireless device and for distributing context sensitive information; wherein the at least one port is adapted for providing to the wireless device a signal comprising the context sensitive information, **wherein the at least one port is disposed in association with at least one of specific goods and merchandise, where at least requesting occurs only when the wireless device is in very close proximity or in physical contact with the at least one port.**

Gerba discloses an interactive audiovisual system that permits a user to make selections, manipulate data, and execute functions (column 1, lines 12-18) using a remote control device (e.g., column 8, lines 45-46) that communicates with a set-top box 34 (column 8, line 53) and a head end 2 and set top box 34 in wireless communication (column 4, lines 21-24) which may be located many meters from each other. Gerba does not disclose **the at least one port is disposed in association with at least one of specific goods and merchandise, where at least requesting occurs only when the wireless device is in very close proximity or in physical contact with the at least one port.** Thus, Gerba does not anticipate or make obvious claims 9-15 and 41.

Claim 16 recites as follows:

A method for providing a wireless device with context sensitive information related to an operation of an apparatus, the method comprising: providing an apparatus comprising a network linked to at least one sensor, a source of context sensitive information, and at least one port for receiving a

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request for context sensitive information and for distributing the context sensitive information; monitoring the operation of the apparatus with the at least one sensor to produce operational data; contacting the at least one port with the wireless device to request the context sensitive information, **where at least contacting occurs only when the wireless device is in very close proximity or in physical contact with the at least one port**; using the operational data to select context sensitive information; and providing the context sensitive information to the wireless device through the at least one port.

Anderson discloses a client server communication network (paragraph 0016) in which clients may include PDAs and cellular telephones (paragraph 0029). Anderson also discloses a vehicle diagnostics program (paragraph 0033). The vehicle diagnostics program is intended in Anderson (paragraph 0033) to allow personal customization and does not relate to the claimed subject matter of **providing occurs only when the wireless device is in very close proximity or in physical contact with the at least one port**. Thus, Anderson does not anticipate claims 16-18, 42, and 43.

Claim 19 recites as follows:

An apparatus adapted for providing a wireless device with context sensitive information related to the operation of the apparatus, the apparatus comprising: a processing unit for synchronizing a network with the apparatus, the network comprising a source of context sensitive information and at least one port for receiving a request for context sensitive information and for distributing context sensitive information; wherein the at least one port is adapted for providing to the wireless device a signal comprising the context sensitive information, **wherein the apparatus comprises an appliance and the context sensitive information includes data from a sensor of the appliance, where at least requesting occurs only when the wireless device is in very close proximity or in physical contact with the at least one port**.

Anderson discloses a vehicle diagnostics program and a communications system that may comprise devices such as PDAs and mobile phones. However, Anderson does not disclose **the apparatus comprises an appliance and the context sensitive information includes data from a sensor of the appliance, where at least requesting occurs only when the wireless device is in very close proximity or in physical contact with the at least one port**. Thus, Anderson does

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not anticipate claims 19, 22, and 40.

Claim 23 recites as follows:

A method for receiving context sensitive information with a wireless device, the method comprising: contacting a network with the wireless device, the network comprising a source of context sensitive information and at least one port for receiving a request for context sensitive information from the wireless device and for distributing context sensitive information; wherein the network is synchronized with a theme, **wherein at least contacting occurs only when the wireless device is in very close proximity or in physical contact with the at least one port**; the network communicating with the wireless device through the at least one port; and, downloading the context sensitive information to the wireless device.

Gerba does not disclose **contacting occurs only when the wireless device is in very close proximity or in physical contact with the at least one port**. Gerba discloses satellite signals are received by a head end, the head end feeds the signals to one or more set-top boxes, and the set-top box is wirelessly controlled from a remote control. As the remote control (wireless device) does not receive context sensitive information from the set-top box, Gerba does not anticipate claims 23-27, 44, and 45.

Claim 28 discloses as follows:

A wireless device for receiving context sensitive information, the device comprising: a wireless communications port for communicating with a network, the network comprising a source of context sensitive information and at least one port for receiving a request for the context sensitive information from the wireless device and for distributing the context sensitive information; the network being synchronized with a theme; wherein the wireless device receives the context sensitive information through the wireless communications port, **wherein the wireless device communicatively couples with the wireless communications port only when the wireless device is closely adjacent to or in physical contact with the wireless communications port**.

Gerba discloses a remote control device (e.g., column 8, lines 45-46) that communicates with a set-top box 34 (column 8, line 53). Neither a remote control device nor a set top box is a **wireless device communicatively couples with the wireless communications port only when the wireless device is closely adjacent to or in physical contact with the wireless**

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communications port as a user may communicate via a remote control device with a set-top box across a room and a set top box 34 and a head end 2 may be located far from each other when in wireless communication with each other. Thus, Gerba does not anticipate or make obvious claims 28-34.

Claim 35 discloses as follows:

A method for providing a wireless device with context sensitive information related to a showing of a movie, the method comprising: synchronizing a network with the showing of the movie in a movie theater, the network comprising a source of context sensitive information and at least one port for receiving a request for context sensitive information from the wireless device and for distributing context sensitive information; **requesting the context sensitive information only by having the at least one port of the network in a touching or nearly touching engagement with a communications port of the wireless device**; and, providing to the wireless device through the at least one port a signal comprising the requested context sensitive information.

Gerba discloses a remote control device (e.g., column 8, lines 45-46) that communicates with a set-top box 34 (column 8, line 53) and a set-top box 34 that may be in wireless communication with a head end 2 (column 4, lines 21-24). A remote control device does not involve **a touching or nearly touching engagement with a communications port** as a user may communicate with a set-top box across a room and a set top box 34 and head end 2 may be separated by meters or even kilometers. Thus, Gerba does not anticipate or make obvious claims 35-39.

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims under 35 U.S.C. 102(b), 35 U.S.C. 102(e), and/ or 35 U.S.C. 103(a) based on Gerba or Anderson, alone or in combination, and to allow all of the pending claims 1-19, and 22-44 as now presented for examination. An early notification of the allowability of all of the pending claims is earnestly solicited.